

Remarks

In the present application, claims 1, 4-16, 32 and 85-96 are pending. Claims 1, 4-16, 32 and 85-96 are rejected. Claims 2-3, 17-31 and 33-84 have been previously canceled.

Amendment to the Claims

Claims 1, 7-9, 87-88 and 92-96 are amended. Support for these clarifying amendment may be found throughout the specification.

Claims 97-100 are newly added. Support for these claims may be found throughout the specification, for example, claims 1 and 4-6, as presently presented and Figure 2 (see messages "1" and "6").

No new matter is added.

Claim Rejections – 35 U.S.C. § 112

The Examiner has rejected claim 1 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Applicants assert that this claim, as presently presented, overcomes this rejection and respectfully request the Examiner withdraw the rejection to claim 1.

Claim Rejection - 35 U.S.C. § 103(a)

The Examiner has rejected claims 1, 4, 6, 7, 9-10, 12-16, 85 and 87 as being unpatentable under 35 U.S.C. § 103(a) over Pepe et al. (U.S. Patent No. 5,742,668), herein Pepe, in view of Lehtonen et al. (U.S. Patent Publication No. 2003/0114149), herein Lehtonen; claims 5, 8 and 11 as being unpatentable under 35 U.S.C. § 103(a) over Pepe and Lehtonen in further view of Rai et al. (U.S. Patent Publication No. 6,377,982), herein Rai; claim 32 as being unpatentable under 35 U.S.C. § 103(a) over Pepe and Lehtonen in further view of Hoffman (U.S. Patent Publication No. 6,148,199), herein Hoffman; claims 86 and 88-89 as being unpatentable under 35 U.S.C. § 103(a) over Pepe and Lehtonen in further view of Sofer et al. (U.S. Patent Publication No. 2002/0012351), herein Sofer; claims 90, 92, 94 and 96 as being unpatentable under 35 U.S.C. § 103(a) over Bharatia et al. (U.S. Patent Publication No. 2001/0031635), herein Bharatia, in view of Lehtonen; claims 91 and 93 as being unpatentable under 35 U.S.C. § 103(a) over Bharatia and Lehtonen in further view of Sofer; and claim 95 as being unpatentable under 35 U.S.C. § 103(a) over Bharatia and Lehtonen in further view

of Rai. The Applicant includes the following comments to clearly distinguish the claimed invention over the art cited by the Examiner, and respectfully requests a favorable reconsideration of claims 1, 4-16, 32 and 85-96.

These rejections are respectfully disagreed with, and are traversed below.

It is noted that Lehtonen has a publication date of June 19, 2003 and the instant application has a filing date of December 8, 2000 which predates the publication of Lehtonen. Thus, Lehtonen qualifies as prior art under 35 U.S.C. § 102(e). Additionally, an assignment of Lehtonen to Nokia Mobile Phones Limited was recorded on December 21, 1999 (see Reel 010454, Frame 0742). The instant application was assigned to Nokia Networks Oy (see Reel 011749/0408) and subsequently to Nokia Corporation (see Reel 021722, Frame 0484). It is further acknowledged that Nokia Mobile Phones Limited and Nokia Networks Oy were, at the time of invention, wholly owned subsidiaries of Nokia Corporation. Thus, the instant application and Lehtonen were, at the time the invention of the instant application was made, commonly owned by Nokia Corporation.

35 U.S.C. § 103 (c) states:

“(1) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, **shall not preclude patentability** under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, **owned by the same person or subject to an obligation of assignment to the same person**” (emphasis added, see also MPEP §706.02(l)(2)).

MPEP § 706.02(l)(2) states:

“Parent Company owns 100% of Subsidiaries A and B
- inventions of A and B are **commonly owned by the Parent Company**”
(Example 1, emphasis added).

Since Lehtonen qualifies as prior art only under “subsections (e)... of section 102” and Lehtonen and the instant application are co-owned, Lehtonen does not qualify as prior art for a rejection under 35 U.S.C. § 103(a). Therefore the rejections under 35 U.S.C. § 103(a) based on Lehtonen are improper and should be withdrawn.

The Examiner is respectfully reminded that, in accordance with the MPEP, the Examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Examiner must ascertain the differences between the claimed invention and the prior art. However, the gap between the prior art and the claimed invention may not be so great as to render the claim nonobvious (see MPEP § 2141-2142).

Regarding claim 1, which recites:

“A method, comprising:
 sending, from a visited network comprising at least one server to a home network, an identification of a subscriber and a requested level or type of access to be provided to the subscriber;
 in response to the sending, storing in the visited network a selected subscriber profile **selected from of a plurality of subscriber profiles for the subscriber**, in which the selected subscriber profile comprises an authorization for an authorized level or type of access; and
 the visited network controlling access of the subscriber to services provided through the visited network dependent upon a comparison of the requested level or type of access and the authorized level or type of access in the stored selected subscriber profile” (emphasis added).

The Examiner acknowledges that Pepe does not teach “one subscriber may have multiple profiles in the home network”.

Pepe does not disclose or suggest “in response to the sending, storing in the visited network a selected subscriber profile selected from of a plurality of subscriber profiles for the subscriber, in which the selected subscriber profile comprises an authorization for an authorized level or type of access” as in claim 1. As Pepe does not disclose or suggest all elements of claim 1, claim 1 is not made obvious by Pepe. For at least this reason, claim 1 is in condition for allowance.

As claims 85 and 87 recite similar language to that discussed above with reference to claim 1; claims 85 and 87 are likewise in condition for allowance. Claims 4, 6, 7, 9-10 and 13-16 depend upon claims 1 and 87. For at least this reason, they are likewise in condition for allowance.

Regarding claim 12, the Examiner asserts “Pepe as modified by Lehtonen discloses the authorized level or type of access authorizes specific connections supplementary services [Pep, column 7 «lines 15-25» & Lehtonen, pg. 3, Table 1a]”. However, it is noted that claim 12 depends upon claim 90. There is no disclosure or suggestion that **Pepe** teaches elements of claim 90. Clearly, Pepe does not disclose or suggest the elements of claim 90 from which claim 12 depends. Accordingly, claim 12 overcomes a rejection over Pepe.

As seen above, Pepe does not disclose or suggest claims 1, 85 and 87. As claims 1, 85 and 87 are allowable over Pepe then all claims that depend from claims 1, 85 and 87 should also be allowable over Pepe, whether considered alone or in combination with other art cited as applied by the Examiner. Further, the addition of the disclosures of Rai, Hoffman and/or Sofer to Pepe (without admitting that such combinations are suggested or technically feasible), would not cure the deficiencies in the disclosure of Pepe. For at least this reason, claims 5, 8, 11, 32, 86 and 88-89 are in condition for allowance.

Regarding claim 90, which recites:

“A method comprising:
in a home network comprising at least one server, **storing for a given subscriber a plurality of subscriber profiles**, each subscriber profile indicating a different type or level of access for which the given subscriber is authorized;
in response to the home network receiving from a visited network **an application level registration message** identifying the given subscriber and a requested level or type of access to be provided by the visited network to the given subscriber, the home network **selecting from the stored plurality of subscriber profiles a selected subscriber profile** which indicates a level or type of access that is authorized for the given subscriber; and
sending from the home network to the visited network the selected subscriber profile” (emphasis added).

The Examiner acknowledges that Bharatia does not teach “one subscriber may have multiple profiles in the home network”.

Bharatia does not disclose or suggest “storing for a given subscriber a plurality of subscriber profiles” and “selecting from the stored plurality of subscriber profiles a selected

subscriber profile” as in claim 90. As Bharatia does not disclose or suggest all elements of claim 90, claim 90 is not made obvious by Bharatia. For at least this reason, claim 90 is in condition for allowance.

As claim 92 recites similar language to that discussed above with reference to claim 90; claim 92 is likewise in condition for allowance. Claims 94 and 96 depend upon claim 92. For at least this reason, they are likewise in condition for allowance.

As seen above, Bharatia does not disclose or suggest claims 90 and 92. As claims 90 and 92 are allowable over Bharatia then all claims that depend from claims 90 and 92 should also be allowable over Bharatia, whether considered alone or in combination with other art cited as applied by the Examiner. Further, the addition of the disclosures of Sofer and/or Rai to Bharatia (without admitting that such combinations are suggested or technically feasible), would not cure the deficiencies in the disclosure of Bharatia. For at least this reason, claims 91, 93 and 95 are in condition for allowance.

In light of the discussion above, the Applicant respectfully asserts that a prima facie case for obviousness was not presented. As such, the Applicant respectfully requests that the Examiner reconsider and withdraw these rejections to claims 1, 4-16, 32 and 85-96.


As newly added claim 97 recites similar language to that discussed above with reference to claim 1; claim 97 is likewise in condition for allowance. Newly added claims 98-100 depend upon claim 97. For at least this reason, they are likewise in condition for allowance.

For the foregoing reasons, the Applicant believes that each and every issue raised by the Examiner has been adequately addressed and that this application is in condition for allowance. As such, early and favorable action is respectfully solicited.

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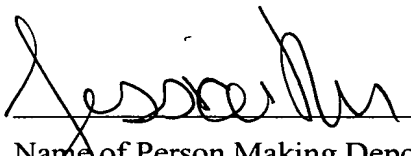
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